

REMARKS

Claims 1-2, 4-5, 7-8, and 10-11 are canceled with the present amendment. Claims 3, 6, 9, and 12 are pending in the case. Claims 1-2, 4-5, 7-8, and 10-11 are rejected under 35 U.S.C. 102(b) as anticipated and under 103(a) as obvious. Claims 1- 12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting.

Claims 6 and 12 are re-written in independent form with this response. No new matter is added.

A. Obviousness-type Double Patenting Rejections

Claims 1-12 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-6 of copending U.S. Application No. 09/982,703, and over Claims 1-8 of copending U.S. Application No. 09/982,773. Included with this response is a Terminal Disclaimer, disclaiming the terminal part of the statutory term of any patent granted on the present application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173 as presently shortened by any terminal disclaimer, of copending U.S. Application No. 09/982,703 and copending U.S. Application No. 09/982,773. Accordingly, it is respectfully requested that the obviousness-type double patenting rejections be withdrawn.

B. Anticipation and Obviousness Rejections

The Examiner rejects Claims 1-2, 4-5, 7-8, and 10-11 on grounds of anticipation and obviousness. These rejections are respectfully traversed. However, in order to facilitate prosecution of the applications, Claims 1-2, 4-5, 7-8, and 10-11 are canceled with this response. Thus, the Examiner's rejections are rendered moot.

The remaining claims in the application, Claims 3, 6, 9, and 12, are free from any art-based rejections.

Conclusion

In view of the foregoing remarks, Applicants respectfully request that the Examiner withdraw the obviousness-type double patenting rejections and allow as patentable pending Claims 3, 6, 9, and 12.

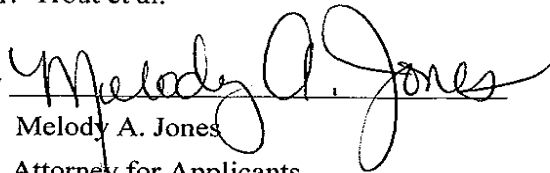
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Respectfully submitted,

For: Trout et al.

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A handwritten signature in cursive script, reading "Melody A. Jones", written over a horizontal line.

Melody A. Jones

Attorney for Applicants

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